

REMARKS

Claims 2, 5 and 12-19 are pending in the present application. In the above amendments, claims 2, 5 and 12-19 have been amended. Applicant respectfully responds to this Office Action.

In the Office Action mailed July 2, 2003, the Examiner rejected claims 25 and 12-16 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement in that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art. The Examiner states that the specification and drawings do not describe that “the selection signals is determined in accordance with the scrambled subset of bits.” The Examiner further states that the Specification only teaches the “...subset of information bits and control processor 522 provides a code channel selection signal to Walsh symbol generator 508 and provides a frequency selection signal to variable frequency synthesize4r 516.” And finally, the subset of information bits is used for the selection instead of the scrambled subset of bits.

Applicant recites from the claims as follows: in claim 2, “...a scrambling means for scrambling a subset of information bits in the modulated data; and an upconversion means for receiving the modulated data and for upconverting the modulated data for transmission at a random frequency determined in accordance with a selection signal, wherein the selection signal is determined in accordance with the scrambled subset of information bits.” In claim 5, “a scrambling means for scrambling a subset of information bits of the modulated data; and an upconversion means for receiving the modulated data and for upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal, wherein the code channel selection signal is determined in accordance with the scrambled subset of information bits;” in claim 12, “a scrambling means for scrambling a first subset of information bits and a second subset of information bits from received data; a modulation means for modulating the received data in accordance with a code channel selection signal that is determined in accordance with the scrambled first subset of information bits; and an upconversion means for receiving the modulated data and for upconverting the modulated data for transmission at a frequency determined in accordance with a selection signal that is determined in accordance with the scrambled second subset of information bits;” in claim 13,

"scrambling a subset of information bits of the modulated data; selecting a carrier frequency in accordance with the modulated, scrambled subset of information bits; and upconverting the modulated data using the selected carrier frequency;" in claim 14, "scrambling a subset of information bits of the data; modulating the data in accordance with a code channel selection signal that is determined in accordance with the scrambled subset of information bits; and upconverting the modulated data using a selected carrier frequency;" claim 15, "scrambling a subset of information bits of the modulated data; selecting a carrier frequency in accordance with the modulated, scrambled subset of the information bits...;" and finally in claim 16, "scrambling a subset of bits of the modulated data; selecting a carrier frequency in accordance with the modulated scrambled subset of information bits...."

The amendments have been made, overall, to bring the claims more in line with the wording of the Specification; the amendments have not been made for any reasons having to do with prior cited art. Support in the Specification for claim 2 can be found in page 12 of the Application, wherein a first section is recited, "The scrambled data is provided to a bank of mixers **268a-268n**. Each mixer **268a-268n** is driven by a corresponding local oscillator **270a-270n**. The upconverted data from each mixer **268a-268n** is provided to switch **264**. Switch **264** selects one of the upconverted signals to provide to transmitter (TMTR) **274**. The upconverted signal that is provided to transmitter **274** is selected in accordance with the selection signal provided by control processor **264**."

A second section of page 12 of the Application is recited, "The subset of information bits used to select the upconversion frequency is provided to control processor **266**. In accordance with the subset of information bits, control processor **266** generates a command signal to switch **264**. In order to provide randomization of the transmitted frequency, a preferred embodiment would scramble the subset of information bits provided to control processor **266**. Such scrambling provides makes the transmitted frequency random. In a preferred embodiment, a subset of the bits from PN generator **262** is used to scramble the bits supplied to control processor **266**."

The Specification provides support for the claims by disclosing 1) the subset of information bits used to select the upconversion frequency are provided to control processor **266**, 2) a preferred embodiment would scramble the subset of information bits provided to control

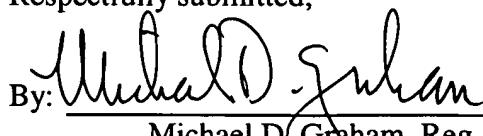
processor 266, and 3) the scrambled data is provided to a bank of mixer, each mixer provided to switch, the switch selects one of the upconverted signals and where the selection signal is provided by the control processor. As such, it is Applicant's assertion that the Specification does support the claim for the scrambled subset of information bits to determine the selection signal.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

By:



Michael D. Graham, Reg. No. 51,751
(858) 658-5877

Dated: October 2, 2003

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502